

Record of Votes

Senators Hardeman and Corbin asked to be recorded as voting nay on the final passage of the bill.

Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Senator Lane submitted the following report:

Austin, Texas,
June 30, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 79, have had the same under consideration and wish to report it back to the Senate with the recommendation that it pass and be not printed.

LANE, Chairman.

Presentation of Copy of the Constitution to Senator Hardeman

The President at this time, presented to Senator Hardeman, on behalf of the members of the Senate, a copy of the Constitution, signed by the Lieutenant Governor and all the members of the Senate.

Senator Hardeman thanked the members of the Senate as follows:

Mr. President and Members of the Senate:

I am deeply grateful for this beautiful leather-bound and autographed copy of the Constitution of Texas. I shall ever treasure it as one of the fondest reminders of my association with my colleagues in the Senate and the able and distinguished President of the Senate.

It is my earnest hope that our Constitution shall be followed by all citizens alike. I trust that it shall continue to provide a sure protection for all those who seek its shelter in the sacred name of humanity.

Again may I say I am truly grateful for this gift and the honor accorded me. I shall always treasure it and will ever strive to preserve its principles to future generations.

HARDEMAN.

Bills Signed

The President signed in the presence of the Senate, after giving due

notice thereof, the following enrolled bills:

S. B. No. 230, A bill to be entitled "An Act authorizing rural high school districts, common school districts and independent school districts, including county line districts of any type, and including, under certain conditions, elementary school districts which, without a separate majority vote therein, were annexed to or grouped with other districts under Chapter 59, Acts of the Thirty-ninth Legislature, relating to rural high school districts, to be consolidated in the manner provided in Article 2806, Revised Civil Statutes, as amended; etc.; and declaring an emergency."

S. B. No. 418, A bill to be entitled "An Act authorizing and instructing the Board of Regents of the State Teachers Colleges of Texas to sell and convey two (2) tracts of land in the City of Denton, Denton County, Texas, at private or public sale.

S. B. No. 401, A bill to be entitled "An Act authorizing commissioners' courts to purchase fire trucks and other fire-fighting equipment, and in payment thereof to issue time warrants or negotiable bonds, and to levy and collect taxes in payment of such warrants or bonds; and declaring an emergency."

S. B. No. 504, A bill to be entitled "An Act making an appropriation of Five Hundred Thousand (\$500,000.00) Dollars to pay contingent expense, mileage and per diem, etc., of the Fifty-first Legislature, etc., and declaring an emergency."

Recess

On motion of Senator Hardeman, the Senate at 5:25 o'clock p.m., took recess until 10:30 o'clock a.m. tomorrow.

FIFTY-NINTH DAY

(Continued)

AFTER RECESS

(Friday, July 1, 1949)

The Senate met at 10:30 o'clock a.m. and was called to order by Senator Aikin.

Leaves of Absence Granted

Senator Jones was granted leave of absence for today on account of ill-

ness in the family on motion of Senator Proffer.

Senator Harris was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Carney was granted leave of absence for today on account of important business on motion of Senator Morris.

Senator Taylor was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Lane was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Ashley was granted leave of absence for today on account of important business on motion of Senator Bell.

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Cousins.

Senator Shofner was granted leave of absence for today on account of important business on motion of Senator Strauss.

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Hardeman.

At Ease

On motion of Senator Proffer, the Senate agreed to stand at ease subject to the call of the Chair.

The President called the Senate to order at 10:40 o'clock a.m.

Report of Standing Committee

By unanimous consent, the following committee report was submitted at this time:

Senator Aikin submitted the following report:

Austin, Texas,
July 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 967, have had the same under consideration, and I am instructed

to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Message from the Governor

The President laid before the Senate and directed the Secretary to read the following message received from the Governor today:

Austin, Texas,
July 1, 1949.

To the Members of the 51st Legislature:

Under the authority of Section 5, Article 3 of the Constitution, I respectfully submit as a subject for emergency legislation Senate Bill 498.

This bill was prepared by the General Land Office with the assistance of the Attorney General to make certain additions to Senate Bill 391 which has recently been passed by this Legislature.

Senate Bill 391 dealt with lands sold by the State of Texas with a reservation of all of the minerals. Under the terms of the Relinquishment Act, persons owning the surface of these lands are the agents of the State to make oil and gas leases. The Supreme Court has recently held that in case of the failure of the holder of a lease on these lands to drill proper offset wells, the lease as well as the landowner's rights to act as the State's agent were automatically terminated on very short notice. Senate Bill 391 was designed to remove the automatic termination feature and to allow the Commissioner of the General Land Office to forfeit the leases in the case of failure to properly offset, but not to forfeit the agency rights of the landowners.

Senate Bill 391 made no provision, however, to protect the State in the case of a landowner who refused to act as agent of the State and lease the land when it was being drained by wells on other lands. Senate Bill 498, which is now before the Legislature, gives the Land Commissioner the right to notify the owner of the soil that his land is being drained and that an offset well is required. If such owner does not obtain the commencement of a well within 100 days, the State can then step in and execute a lease on the land to protect its property from drainage.

In addition, Senate Bill 498 provides that if any landowners have hereto-

fore lost their agency rights and no intervening rights have arisen, such owners can now act as agents of the State to lease the land in which they own the surface.

Senate Bill 498 merely re-enacts Senate Bill 391 and adds to it the provisions protecting the State in case the landowner refuses to lease and the provision reinstating the agency rights that might have been heretofore lost.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Report of Conference Committee on
House Bill 642

Senator Cousins submitted the following report: .

Austin, Texas,
June 22, 1949.

Hon. Allan Shivers, President of the Senate.

Hon. Durwood Manford, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the House and the Senate on House Bill No. 642, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

COUSINS
HUDSON
PROFFER
MORRIS
BRACEWELL

On the part of the Senate.

BROOKS of Jefferson
BRISCOE
WISENER
PETERSON
PATTISON

On the part of the House.

By: Brooks of Jefferson, Briscoe
H. B. No. 642

A BILL
TO BE ENTITLED

"An Act authorizing the Board of Regents of the University of Texas to invest in United States Government Bonds, or place on time deposit, not more than eighty-five per cent (85%) of the 'General Property Deposit' which is required of all students, income from which investments or time deposit is to be used in making student scholarship awards, and limiting the period for making refunds of such

deposits; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That the Board of Regents of the University of Texas may, at its discretion, invest in United States Government securities, or place on time deposit with a bank located in the State of Texas, provided such time deposit shall be fully secured by United States Government securities, not more than eighty-five per cent (85%) of the "General Property Deposit" which is permitted by Chapter 221, Acts of the Regular Session of the Forty-third Legislature, (Article 2654a, Section 2, Vernon's Annotated Civil Statutes).

Sec. 2. The income from any investment or time deposit shall be used for the purpose of making student scholarship awards to needy and deserving students of the University of Texas who are residents of the State of Texas as defined for tuition purposes, and the Board of Regents of the University shall administer the scholarship awards including the selection of recipients and the amounts and conditions of the awards. Any of said general property deposits which heretofore or hereafter remain without call for refund for a period of four (4) years from date of last attendance at the University of Texas shall be forfeited, and said deposits shall become operative to the permanent use and purpose of the scholarship fund. Direct expenses in the administration of the fund shall be paid from the income of the fund. Nothing in this Act should be construed to prohibit refund of any balance remaining in said "General Property Deposit" when made on proper demand and provided the above limitation of four (4) years has not run. The Board of Regents of the University of Texas may require, however, that no student may withdraw his deposit until he has been graduated or has apparently withdrawn permanently from the University of Texas.

Sec. 3. The fact that the funds herein permitted to be invested or deposited in a time deposit are now kept on demand deposit and are not now producing any income and the further fact that many of the students at the University of Texas are badly in need of scholarship awards, create an emergency and an impera-

tive public necessity requiring the suspension of the Constitutional Rule that bills be read on three several days in each House, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

House Bill 986 on Second Reading

On motion of Senator McDonald and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 986, A bill to be entitled "An Act to repeal Sections 2 and 3 of Senate Bill No. 292, Chapter 183, Acts of the Forty-seventh Legislature, 1941, page 269, as amended by Senate Bill 348, Chapter 324, Acts of the Forty-ninth Legislature, 1945, page 535; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 986 on Third Reading

Senator McDonald moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 986 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hazlewood	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent—Excused

Ashley	Lane
Bullock	Shofner
Harris	Taylor
Hudson	Weinert
Jones	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hazlewood	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lock	

Absent—Excused

Ashley	Jones
Bullock	Lane
Carney	Shofner
Harris	Taylor
Hudson	Weinert

Bill Ordered Not Printed

On motion of Senator Morris, it was ordered that H. B. No. 967 be not printed.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
July 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 80, Pertaining to placing a portrait of Governor Beauford H. Jester in the rotunda of the Capitol, etc.

S. C. R. No. 76, Relative to authorizing the members of the Texas Legislative Council of the 51st Legislature, or other members of the Legislature, to attend any official meeting called by the Council of State Governments; providing for the payment of actual and necessary expenses, etc.

S. C. R. No. 81, Relative to authorizing the Enrolling Clerk of the House of Representatives to make corrections in enrolling House Bill No. 322.

Respectfully submitted,
CLARENCE JONES,

Chief Clerk, House of Representatives.

House Bill 100 on Second Reading

On motion of Senator Colson and by unanimous consent, the regular order

of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 100, A bill to be entitled "An Act requiring that all dogs be vaccinated against rabies, if three months of age or over; etc., and declaring an emergency."

The bill was read second time.

Senator Moffett offered the following amendment to the bill:

Amend H. B. No. 100 by striking out Section 2 and substituting in lieu thereof a new section to be known as Section 2, said Section to read as follows:

"Section 2. In the event the State Board of Health deems it necessary for the control of rabies, such Board is hereby authorized to declare an emergency and require that all dogs in such area, whether it be the entire State, a part of the State, or any political subdivision of the State, be vaccinated against rabies. The Commissioners' Court of each County in this State, when it deems that such an emergency exists, is hereby authorized to declare said emergency, and require that all dogs in such County be vaccinated against rabies. When such emergencies are declared by the State Board of Health or by the County Commissioners' Court as above required, the owner of any dog in said area in which the emergency exists shall cause such dog to be vaccinated against rabies immediately after the emergency is declared and once during each year so long as the emergency exists in the particular area, providing such dog is or becomes six (6) months of age; and said owner shall be required to show upon request of a duly authorized law enforcement official, a certificate from the manufacturer of rabies vaccine showing the vaccine is for the current calendar year, said manufacturer to furnish a current calendar year tag to be worn on the dog's collar."

The amendment was adopted.

On motion of Senator Moffett, the bill was laid on the table subject to call.

House Bill 961 on Second Reading

On motion of Senator Colson and by unanimous consent, the regular

order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 961, A bill to be entitled "An Act making appropriations to pay additional miscellaneous claims out of the General Revenue Fund, or such other funds as may be designated herein for each item, not otherwise appropriated; providing that before payments of any claim shall be paid from the funds hereby appropriated the same shall have the approval of the State Auditor, the State Comptroller and the Attorney General; providing further that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other officials herein named; authorizing and directing the State Comptroller of Public Accounts to issue the necessary warrants for payment of said claims; and declaring an emergency."

The bill was read second time.

Senator Hazlewood offered the following amendment to the bill:

Amend H. B. No. 961, Section 1, by adding at the end of Subsection A the following: "To pay Joe G. Nesbitt, official Court Reporter, 69th Judicial District, Dalhart, Texas, for statement of facts under Article 760 of the Code of Criminal Procedure: \$30.20."

The amendment was adopted.

The bill was passed to third reading.

House Bill 961 on Third Reading

Senator Colson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 961 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Kelly of Tarrant
Bell	Lock
Bracewell	Martin
Colson	McDonald
Corbin	Moffett
Cousins	Moore
Hardeman	Morris
Hazlewood	Phillips
Kelley of Hidalgo	Proffer

Strauss
Tynan

Vick

Absent—Excused

Ashley
Bullock
Carney
Harris
Hudson

Jones
Lane
Shofner
Taylor
Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hazlewood	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lock	

Absent—Excused

Ashley	Jones
Bullock	Lane
Carney	Shofner
Harris	Taylor
Hudson	Weinert

House Bill 992 on Second Reading

On motion of Senator Bracewell and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 992, A bill to be entitled "An Act amending Sec. 6 of S. B. No. 207, Acts of the 49th Legislature, Regular Session, 1945, so as to authorize the Board of Regents of certain junior colleges and/or universities to pledge as security the estimated income over the period for which bonds, notes and/or warrants may be issued; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 992 on Third Reading

Senator Bracewell moved that the constitutional rule requiring bills to

be read on three several days be suspended and that H. B. No. 992 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hazlewood	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lock	

Absent—Excused

Ashley	Jones
Bullock	Lane
Carney	Shofner
Harris	Taylor
Hudson	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hazlewood	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lock	

Absent—Excused

Ashley	Jones
Bullock	Lane
Carney	Shofner
Harris	Taylor
Hudson	Weinert

House Bill 857 on Second Reading

On motion of Senator Tynan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 857, A bill to be entitled "An Act amending Article 601-A of

the Code of Criminal Procedure of the State of Texas, 1925; repealing all laws in conflict therewith to the extent of such conflict only; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 857 on Third Reading

Senator Tynan moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 857 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hazlewood	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lock	

Absent—Excused

Ashley	Jones
Bullock	Lane
Carney	Shofner
Harris	Taylor
Hudson	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 967 on Second Reading

On motion of Senator Morris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 967, A bill to be entitled "An Act amending Article 7212, Revised Civil Statutes of Texas, 1925, as amended by Chapter 453, Acts 47th Legislature, 1941, providing that when the Commissioners Courts shall contract with an individual, firm, or corporation for the compilation of taxation data, the compensa-

tion of such individual, firm, or corporation may be paid on a pro rata basis from each county fund benefiting by the receipt of any taxes derived from such valuation; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 967 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 967 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hazlewood	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lock	

Absent—Excused

Ashley	Jones
Bullock	Lane
Carney	Shofner
Harris	Taylor
Hudson	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hazlewood	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lock	

Absent—Excused

Ashley	Harris
Bullock	Hudson
Carney	Jones

Lane
Shofner

Taylor
Weinert

House Bill 35 on Second Reading

On motion of Senator Lock and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 35, A bill to be entitled "An Act providing for a vegetable plant certification procedure in the State of Texas, establishing certain standards of inspection and certification, providing for inspection fees, providing a penal clause, and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 35 by adding at the end of Section 11 the following:

"Out of the fees collected under this Act, the Chief of the Markets and Warehouse Division of the Department of Agriculture shall be paid in addition to the amount of his salary in the general appropriation bill the sum of \$480.00 per annum; which amount is hereby appropriated for said purpose."

The amendment was adopted.

On motion of Senator Lock and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

House Bill 35 on Third Reading

Senator Lock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 35 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Cousins
Bell	Hardeman
Bracewell	Hazlewood
Colson	Kelley of Hidalgo
Corbin	Kelly of Tarrant

Lock	Phillips
Martin	Proffer
McDonald	Strauss
Moffett	Tynan
Moore	Vick
Morris	

Absent—Excused

Ashley	Jones
Bullock	Lane
Carney	Shofner
Harris	Taylor
Hudson	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 990 on Second Reading

On motion of Senator Cousins, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, on its second reading and passage to third reading:

H. B. No. 990, A bill to be entitled "An Act to amend Article 7094, Revised Civil Statutes of Texas of 1925, as amended by House Bill No. 777, passed at the Regular Session of the Fifty-first Legislature; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 990 on Third Reading

Senator Cousins moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 990 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hazlewood	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lock	

Absent—Excused

Ashley	Jones
Bullock	Lane
Carney	Shofner
Harris	Taylor
Hudson	Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hazlewood	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lock	

Absent—Excused

Ashley	Jones
Bullock	Lane
Carney	Shofner
Harris	Taylor
Hudson	Weinert

Senate Joint Resolution 15 on Second Reading

On motion of Senator Proffer and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. J. R. No. 15, A Joint Resolution proposing to amend the Constitution of the State of Texas by adding a new section to Article III, to be known as Section 60, authorizing legislative approval to that certain Compact entered into by the State of Texas and other Southern States by and through their respective governors on February 8, 1948, as amended, relative to the development and maintenance of regional educational services and schools in the Southern States in the professional, technological, scientific, literary and other fields, so as to provide greater educational advantages and facilities for the citizens in the several States who reside in such region; to declare that the State of Texas is a party to said compact, as amended, and that the

agreements, covenants and obligations therein are binding upon said State, providing for the submission of this resolution to the qualified voters of the State of Texas and appropriating funds therefor.

The resolution was read second time.

Senator Proffer offered the following amendment to the resolution:

Amend S. J. R. No. 15 by changing the date set for the election from Sept. 24, 1949, to Nov. 8, 1949, in Section 4, page 6, line 8, and deleting Section 6 entirely.

The amendment was adopted.

On motion of Senator Proffer and by unanimous consent, the caption was amended to conform with the body of the resolution as amended.

The resolution was passed to engrossment.

Senate Joint Resolution 15 on Third Reading

Senator Proffer moved that the Senate rule requiring joint resolutions to be read on three several days be suspended and that S. J. R. No. 15 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hazlewood	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lock	

Absent—Excused

Ashley	Jones
Bullock	Lane
Carney	Shofner
Harris	Taylor
Hudson	Weinert

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—21

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hazlewood	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lock	

Absent—Excused

Ashley	Jones
Bullock	Lane
Carney	Shofner
Harris	Taylor
Hudson	Weinert

Senate Concurrent Resolution 79

On motion of Senator McDonald and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 79, Granting Miss Rosa Keefer permission to sue the State.

The resolution was read and was adopted.

Recess

On motion of Senator Vick, the Senate at 12:15 o'clock p.m., took recess to 2:30 o'clock p.m. today.

Afternoon Session

The Senate met at 2:30 o'clock p.m. and was called to order by Senator Bracewell.

At Ease

On motion of Senator Vick, the Senate agreed to stand at ease subject to the call of the Chair.

The President called the Senate to order at 3:40 o'clock p.m.

Senate Concurrent Resolution 82

Senator Hardeman offered the following resolution:

S. C. R. No. 82, Providing that S. B. No. 316 shall go into immediate

effect upon the adoption of S. C. R. No. 82.

Whereas, S. B. No. 316 carried an emergency clause reading as follows:

"Sec. 10. Emergency Clause. The fact that there is a great need for a Legislative Council to study and revise the laws of this State and the crowded condition of the calendar create an emergency and an imperative public necessity that the constitutional rule requiring bills to read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted." And

Whereas, It was the intention of the Senate and the House of Representatives that said S. B. No. 316 go into immediate effect upon its passage; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That it is the intention and purpose of said Senate and House of Representatives, and it is herein enacted that said S. B. No. 316 go into immediate effect upon the adoption of this resolution by a two-thirds vote of the Senate and the House of Representatives and upon its being approved by the Governor of the State of Texas.

HARDEMAN
PROFFER

The resolution was read.

On motion of Senator Proffer and by unanimous consent, the resolution was considered immediately and was adopted by the following vote:

Yeas—21

Aikin	Martin
Bell	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Hazlewood	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lock	

Absent—Excused

Ashley	Jones
Bullock	Lane
Carney	Shofner
Harris	Taylor
Hudson	Weinert

Message from the House

Hall of the House of Representatives,
Austin, Texas,
July 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to House Bill No. 964 and has requested the appointment of a conference committee to consider the differences between the two Houses. The following have been appointed on the part of the House: Lindsey, Graham, Tufares, Nokes, and King.

The House has concurred in Senate amendments to House Bill No. 440 by a vote of 112 yeas, 1 nay.

S. B. No. 498, A bill to be entitled "An Act amending Articles 5369, 5370 and 5371 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Senate Bill No. 391, Acts of the 51st Legislature of Texas, to secure the State against drainage of oil and/or gas by lease on lands not included in this law; providing for forfeiture and reinstatement of any lease for failure to drill and prosecute such drilling with diligence for the protection from drainage and for reinstatement of such leases at the discretion of the Commissioner of the General Land Office; etc., and declaring an emergency."

S. B. No. 506, A bill to be entitled "An Act to authorize the Board of Directors of the Texas Agricultural and Mechanical College System to make transfers between items within the totals appropriated under the educational appropriation bill for Tarleton State College; and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

**Conference Committee on
House Bill 964**

Senator Lock called up from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two

Houses on H. B. No. 964 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Taylor, Aikin, Morris, Proffer, and Lock.

Message from the Governor

The President laid before the Senate and directed the Secretary to read the following message from the Governor:

Austin, Texas,
July 1, 1949.

To the Members of the 51st Legislature:

It comes to my attention that it will be necessary for the 51st Legislature to make a re-appropriation of \$55,000 to the revolving fund of the State Approval Agency, for the continued operation of this important board which is charged with the supervision of the veterans' education and on-the-job training program in Texas.

It is my further understanding that the Federal Government will reimburse the State in this amount, and that this re-appropriation has not been made because the Legislature was not aware that such action was necessary to insure a continuation of the program.

Therefore, under authority of Section 5 of Article III of the Constitution of the State of Texas, I submit as a subject for emergency legislation the subject matter contained in Senate Bill No. 503, which I understand has already been passed by the Senate.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
July 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. J. R. No. 18, Proposing an amendment to the Constitution of the

State of Texas creating the Texas Building Commission; providing for the issuance of bonds and for the purchase of necessary real property and the modernizing, remodeling, building and equipping of buildings for eleemosynary and other State purposes; providing a method for the retirement of such bonds; providing for an election thereon, and prescribing the form of ballot.

(With amendment)

S. B. No. 501, A bill to be entitled "An Act making an appropriation out of the General Revenue Fund of the State of Texas to the Agricultural and Mechanical College (the Texas Agricultural Experiment Station System) for the benefit of Substation No. 15—Weslaco, \$50,000.00 for the next biennium beginning September 1, 1949, and ending August 31, 1951, for continued research and personnel to restore irrigation soils; prevent citrus tree losses, irrigation, drainage, and engineering problems; dehydration, processing, and manufacturing; insect and disease control; livestock production; crop rotations and fertilizers on citrus and vegetable crops, etc. Salaries, labor, equipment, buildings and maintenance; and declaring an emergency."

S. B. No. 502, A bill to be entitled "An Act amending Section 2 of Article 2368a of Vernon's Civil Statutes of Texas, being Section 2, Acts 1931, 42nd Legislature, page 269, Chapter 163, as amended by House Bill No. 82, Acts of the 50th Legislature, 1947, Chapter 173, page 283, and as further amended by Senate Bill 436, Acts of the 51st Legislature, 1949; and validating, ratifying, confirming and approving certain contracts, scrip and time warrants authorized by counties and cities of this State since the approval by the Governor of Texas of said Chapter 173, upon certain specified conditions but excepting from the validating provisions all contracts, scrip and time warrants of counties of more than 325,000 population according to the last preceding Federal Census, and all contracts, scrip and time warrants the validity of which is involved in litigation on the effective date of this Act; repealing all General and Special Laws in conflict except H. B. No. 106 enacted by the 51st Legislature, 1949; providing that Section 5 and Section 6 of said Chapter 163 shall not be affected hereby

except as limited by said H. B. No. 106; and declaring an emergency."

S. B. No. 16, A bill to be entitled "An Act making appropriations to pay deficiency appropriations granted to the State Soil Conservation Board, to pay the supervisors of soil conservation districts in Texas; and declaring an emergency."

S. B. No. 403, A bill to be entitled "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts or cities or towns including home rule cities in this State not in excess of the limit now provided by law which are void or unenforceable because the same were made and adopted by resolution, motion or other informal action; etc., and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

At Ease

On motion of Senator Hardeman, the Senate agreed to stand at ease subject to the call of the Chair.

The President called the Senate to order at 7:00 o'clock p.m.

Bills and Resolutions Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

S. B. No. 501, A bill to be entitled "An Act making an appropriation out of the General Revenue Fund of the State of Texas to the Agricultural and Mechanical College (the Texas Agricultural Experiment Station System) for the benefit of Substation No. 15—Weslaco, \$50,000.00 for the next biennium beginning September 1, 1949, and ending August 31, 1951, for continued research and personnel to restore irrigation soils; prevent citrus tree losses, irrigation, drainage, and engineering problems; dehydration, processing, and manufacturing; insect and disease control; livestock production; crop rotations and fertilizers on citrus and vegetable crops, etc. Salaries, labor, equipment, buildings and maintenance; and declaring an emergency."

S. B. No. 506, A bill to be entitled "An Act to authorize the Board of

Directors of the Texas Agricultural and Mechanical College System to make transfers between items within totals appropriated under the educational appropriation bill for Tarleton State College; etc., and declaring an emergency."

S. B. No. 498, A bill to be entitled "An Act amending Articles 5369, 5370 and 5371 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Senate Bill 391, Acts of the 51st Legislature of Texas, to secure the State against drainage of oil and/or gas by lease on lands not included in this law; etc., and declaring an emergency."

H. B. No. 320, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1949, and ending August 31, 1951; requiring certain fees paid to clerks or officers of all Appellate Courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion; and declaring an emergency."

H. B. No. 322, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State Government for the two year period beginning September 1, 1949, and ending August 31, 1951, and for payment of other specified claims and items; providing for reports of absence from duty of employees; providing for the sale of printed matter; providing for installation of postage meter machines; regulating the use of photostat machines; providing for rentals on machines and equipment; etc., and declaring an emergency."

H. B. No. 321, A bill to be entitled "An Act making appropriations for the support, maintenance and improvement of the State Hospitals and Special Schools of the State of Texas for the two-year period beginning September 1, 1949, and ending August 31, 1951; and prescribing certain

regulations and restrictions in respect to the expenditure of said appropriations; providing a savings clause; and declaring an emergency."

H. B. No. 319, A bill to be entitled "An Act making appropriations for the support, maintenance, buildings, and improvements of the several State institutions of higher learning for the two fiscal years, beginning September 1, 1949, and ending August 31, 1951, both dates inclusive; and for certain other educational agencies of the State; prescribing certain restrictions concerning the expenditures of said appropriations; requiring audits; containing a savings clause; and declaring an emergency."

S. C. R. No. 76, Providing for delegates to attend Council of State Governments.

S. C. R. No. 80, Providing for portrait of Governor Beauford H. Jester to be hung in the rotunda of the Capitol.

S. C. R. No. 81, Instructing the Enrolling Clerk of the House to make certain corrections in H. B. No. 322.

Recess

On motion of Senator Hardeman, the Senate at 7:15 o'clock p.m., took recess until 10:00 o'clock a.m. tomorrow.

FIFTY-NINTH DAY

(Continued)

(Saturday, July 2, 1949)

AFTER RECESS

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

Bill Re-referred

On motion of Senator Bracewell, and by unanimous consent, H. B. No. 995 was withdrawn from the Committee on Civil Jurisprudence and re-referred to the Committee on Counties and County Boundaries.

Report of Standing Committee

By unanimous consent the following report was submitted at this time.

Senator Hudson submitted the following report: